

## 1. Certification Test Question Examples

1. An appurtenant easement is defined as an easement
  - a. **Benefitting an adjoining tract.**
  - b. Containing an oil and gas pipeline.
  - c. That is always exclusive.
  - d. Burdening an adjoining tract.
2. A dominant estate is
  - a. A large tract of land owned by multiple parties.
  - b. A tract of land that is burdened by an easement.
  - c. A tract of land at a high elevation.
  - d. **A tract of land that is benefitted by an easement.**
3. An IRS lien recorded against a borrower more than 30 days prior to foreclosure
  - a. Always survives the foreclosure, unless released by IRS.
  - b. Is wiped out by the foreclosure if the lender sends a copy of the Trustee's Deed to the IRS within 120 days after foreclosure.
  - c. Is wiped out by the foreclosure if the lender gives appropriate notice to the IRS.
  - d. **Is wiped out by the foreclosure, subject to a right of redemption by the IRS for a period of time, if the lender gives appropriate notice to the IRS.**
4. When a lender forecloses a purchase money lien, what happens to lien for unpaid assessments filed after the Deed of Trust by the Home Owner's Association, when the document creating the HOA stipulates the lien is subordinate to purchase money liens?
  - a. The lien survives the foreclosure and must be released to clear title.
  - b. The Home Owner's Association has a right of redemption for 90 days after the foreclosure.
  - c. **The lien does not survive the foreclosure, and the purchaser at the sale takes the property free and clear of the delinquent assessments.**
  - d. The lien does not survive the foreclosure, but the purchaser at the foreclosure must pay the delinquent assessments.
5. What is a good description of the term "automatic stay" when referring to a debtors first bankruptcy filing? An event which automatically
  - a. Stops the bankruptcy trustee from selling any property of the debtor without approval from a judge.
  - b. **Stops creditors from taking collection action against property of the debtor without approval from the bankruptcy court.**
  - c. Stops the debtor from leaving the jurisdiction of the bankruptcy without approval from the bankruptcy court.
  - d. Removes unsecured liens from the homestead of the debtor, with no further action required by the bankruptcy court.
6. What happens to real property when the owner files a petition for relief in the bankruptcy court?
  - a. Title to all real property automatically transfers to the name of the bankruptcy trustee named in the petition and is subject to the control of the bankruptcy court.
  - b. **All real property becomes part of the bankruptcy estate and is subject to the direction and control of the bankruptcy court.**
  - c. Nothing happens to real property until a Trustee is appointed and takes control of the assets of the debtor.
  - d. The debtor continues to hold title to real property until he files a schedule to transfer title to the Trustee appointed by the bankruptcy court.
7. When does a lien for real property taxes attach to the land?
  - a. When a Notice of Real Property Tax Lien is recorded in the real property records.
  - b. When a Notice of Lien for Real Property Taxes is published in the local newspaper.
  - c. **Automatically on January 1 of the tax year without any recording or notice requirements.**
  - d. On October 1 of the tax year after a statutory notice is entered in the records of the Central Appraisal District.
8. To be acceptable for amendment of the area and boundary exception, a survey must contain which of the following elements
  - a. **Signature and seal of surveyor**

- b. Elevation notation for all improvements
  - c. Flood certification
  - d. Name of party for whom survey is prepared
9. When asked to amend the area and boundary exception, an existing survey may be acceptable in each of the following situations EXCEPT:
- a. The current owner has owned the property for more than 10 years
  - b. Major improvements have been constructed on the property since the date of the survey**
  - c. Minor improvements have been constructed in the interior of an acreage tract.
  - d. The street address on the survey doesn't exactly match the address in the tax records.
10. How often must an escrow agent reconcile an escrow bank account?
- a. Monthly**
  - b. Quarterly
  - c. Annually
  - d. As needed
11. Texas regulations regarding standard escrow accounts include all of the following EXCEPT:
- a. The account must be maintained in a federally insured institution.
  - b. The account must be styled as an "escrow" or "trust" account.
  - c. The bank must be on a list maintained by the Texas Department of Insurance.**
  - d. The account must be in a bank or branch of a bank located in the State of Texas.
12. When title is vested in a general partnership, what title requirement is appropriate?
- a. Verify that the partnership is in good standing.
  - b. Require a copy of the Partnership Agreement.**
  - c. Require a copy of the Articles of Partnership.
  - d. Require a Partnership Resolution authorizing the transaction.
13. When a notary dies, what should happen to his/her notary book?
- a. There are no special requirements regarding this situation.
  - b. It goes to the executor of his/her estate to be retained in perpetuity.
  - c. It should be shredded.
  - d. It should be delivered to the County Clerk in the county of the notary's residence.**